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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,581	03/17/2004	Karla R. Jenkins	24409.00	2745
7590	12/16/2004		EXAMINER NGUYEN, ANTHONY H	
Richard C. Litman LITMAN LAW OFFICES, LTD. P.O. BOX 15035 Arlington, VA 22215			ART UNIT 2854	PAPER NUMBER

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/801,581

Applicant(s)

JENKINS, KARLA R.

Examiner

Anthony H Nguyen

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/17/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Objections

Claims 1-11 are objected to because the claim language in claim 1 fails to particularly point and distinctly claim any structure. Specifically, the language "standard order" (claim 1, line 3) is vague since it is unclear what structure is required by the language. Additionally, the elements "subset of said lettered keys" (claims 2 and 6, line 2), "second subset of said lettered keys" (claims 3 and 7, line 2), "keys corresponding to letters having a high frequency of usage" (claims 4 and 8, lines 2 and 3) are not defined.

The above are simply examples of the errors present. Applicant is required to carefully review the claims and eliminate all such errors.

To the extent the claims are definite and positively recite structure, it appears that the following prior art rejection is proper.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Morelos (US 6,382,854).

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Morelos teaches a computer keyboard having a typewriter section 10 containing non-uniform size lettered keys corresponding to letters of an alphabet as shown in Figs.2A and 2B of Morelos.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-8 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Morelos (US 6,382,854).

With respect to claim 2-8, Morelos teaches a computer keyboard having substantially the structure as recited. See the explanation of Morelos above. Morelos does not teach the lettered keys which are sized smaller toward the center of the typewriter section or larger corresponding to the lettered keys having a high frequency of usage. However, the selection of a desired size of the lettered keys which are smaller toward the center of the typewriter section or larger corresponding to the frequency of usage of the keys would be obvious through routine experimentation in order to improve the efficiency of typing on the keyboard.

Claims 9-11 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Morelos (US 6,382,854) in view of Kuhlenschmidt (US 5,452,960).

With respect to claim 9 and 10, Morelos teaches a computer keyboard having substantially the structure as recited. See the explanation of Morelos above. Morelos does not clearly teach the minimum and maximum width of the lettered keys. Kuhlenschmidt teaches the

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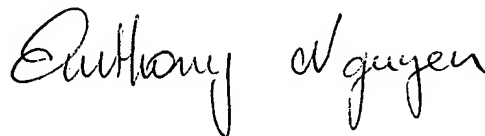
computer keyboard having lettered keys which are sized about 0.875 inch or 22.225 mm (Kuhlenschmidt , Fig.3B and col.5, the third paragraph) which is in the ranged as recited. With respect to claim 11, note that the standard keyboard has lettered keys are about 0.7 inch tall or about 20 mm and rows which are spaced apart about 0.2 inch or 5 mm. Regardless of these, the selection of a desired height of the keys and the desired space between the rows of the lettered keys involve only an obvious matter of design choice based upon obvious experimentation.

Conclusion

The patents to Emerson, Cleveland, Euley et al. and Nusser are cited to show other structures having obvious similarities to the claimed structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169. The examiner can normally be reached daily from 9 AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (571) 272-2168. The fax phone number for this Group is (703) 872-9306.



Anthony Nguyen
12/9/04
Patent Examiner
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